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<b>Administrative Responsibility:</b>	Executive Director Student Services	<b>Procedure:</b> 32.02.001

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STATEMENT:

Vancouver Island University recognizes its legal duty to provide educational opportunities that enable students with a documented disability to access courses, programs, facilities, and services.

The Policy and Procedural Guidelines apply to all students who have identified themselves to the institution as having a documented disability who are inquiring about, applying to, or registered in credit or non-credit courses in both on and off-campus programs.

Vancouver Island University will:

1. Make every effort to remove barriers that prevent or inhibit full participation by students with a documented disability;
2. Undertake to provide reasonable academic accommodation to all students who have a documented disability, unless there is a bona fide justification for denying such accommodation;
3. Assist students with a documented disability in adapting to the University environment;
4. Provide accommodation that permits students with a documented disability to access courses, programs, facilities, and services, providing that
  - 4.1 Such accommodation would not result in a demonstrable lowering of academic standards or require substantial alteration of essential course or program requirements; and that
  - 4.2 There is minimal risk to public safety; and that
  - 4.3 There is no significant risk of personal injury to the student with a documented disability; and that
  - 4.4 The student meets the entry requirements and continues to demonstrate an ongoing ability to meet the academic standards of Vancouver Island University.

## DEFINITIONS

1. Academic Accommodation

A modification or extension of University resources, or of teaching or evaluation procedures, which is designed to accommodate the particular needs of a student with a documented disability. Accommodating a student with a documented disability is required by law.

2. Bona Fide Justification

A real and substantiated reason which is made in or with good faith; without fraud or deceit.

3. Documentation

An assessment by a qualified practitioner that states the nature of the functional limitations resulting from the disability and the accommodation required.

4. Permanent Disability

A functional limitation caused by a physical or mental impairment that restricts the ability of a student to perform the daily activities necessary to participate in studies at a post-secondary level and is expected to remain with the student for the student's natural life.

5. Qualified Practitioner

A certified or licensed medical doctor, registered psychologist, psychiatrist, ophthalmologist, optometrist, orthoptist, certified audiologist, neurologist or neuropsychologist, who has expertise and experience in the diagnosis of conditions for which accommodation is being requested.

6. Student

Any person who is enrolled in a course(s) or program at Vancouver Island University.

7. Temporary Disability

A functional limitation caused by a physical or mental impairment that restricts the ability of a student to perform the daily activities necessary to participate in studies at a post-secondary level and that is expected to remain with the student for a time limit as determined by an appropriate medical professional.

## LEGAL FRAMEWORK

1. Section 15 (1) of the *Canadian Charter of Rights and Freedoms* recognizes that individuals with a documented disability have equality under the law. Section 15 (1) states:

“Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.”

2. The *BC Human Rights Code*, RSBC 1984 c. 22 provides as follows:

“8 (1) No person, without a bona fide and reasonable justification, shall

- (a) Deny to a person or class of persons any accommodation, service or facility customarily available to the public; or
- (b) Discriminate against a person or class of persons with respect to any accommodation, service or facility customarily available to the public, because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex or sexual orientation of that person or class of persons.”

3. Workers’ Compensation Board Occupational Health and Safety Regulations, Book 1 #4.19 states:

“(1) A worker with a physical or mental impairment which may affect the worker’s ability to safely perform assigned work must inform his or her supervisor or employer of the impairment, and must not knowingly do work where the impairment may create an undue risk to the worker or anyone else.

(2) A worker must not be assigned to activities where a reported or observed impairment may create an undue risk to the worker or anyone else. “